

US 11 201

TERMINAL DISCLAIMER

Docket Number (Optional)

DP-5575 US NA

In re Application of: Ismael A. Hernandez, et al.

Application No. 09/934,905

Filed: August 22, 2001

For: FIBERFILL PRODUCTS COMPRISING POLYTRIMETHYLENE TEREPHTHALATE STAPLE FIBERS, YARNS AND FABRICS

The owner, E. J. du Pont de Nemours and Company of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application or any continuation or division thereof, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application Numbers 09/934,853 and 09/934,905, both filed on August 22, 2001, or any continuation or division thereof (hereinafter each individually referred to as "second application"). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is relapsed, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

Mark D. Kuller

Signature

4/29/02

Date

Mark D. Kuller, Reg. No. 31,025

Type or printed name

- ☒ Terminal disclaimer (as under 37 CFR 1.20(d)) is included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/06 may be used for making this certification. See MPEP § 324.

Burden Hour Estimate: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Records, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 110

Complete if known	
Application Number	09634305
Filing Date	August 22, 2001
First Named Inventor	Ismael A. Hernandez, et al.
Examiner Name	Unknown
Group / Art Unit	3763
Attorney Docket No.	DP-5875 US MA

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 04-1928

Deposit Account Name: E. I. du Pont de Nemours and Company

The Comptroller is authorized to: (check all that apply)

☒ Charge fees indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-indicated deposit account

## FEE CALCULATION

1. BASIC FILING FEE			
Large Entity	Small Entity	Fee Code	Fee Description
101	201	370	Utility filing fee
102	202	168	Design filing fee
107	207	255	Plant filing fee
108	208	379	Reissue filing fee
114	214	60	Provisional filing fee

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES

Total Claims: 30 = 30 X 16 = 480

Independent Claims: 3 = 3 X 84 = 252

Multiple Dependent: ☐ X 250 = 0

Large Entity	Small Entity	Fee Code	Fee Description
103	203	9	Claims in excess of 30
102	202	42	Independent claims in excess of 3
104	204	140	Multiple dependent claims, if not paid
109	209	42	Reissue claims in excess of 20 and over original patent
110	210	9	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

\*For number previously paid, if greater, For Refunds, see above

## FEE CALCULATION (continued)

3. ADDITIONAL FEES			
Large Entity	Small Entity	Fee Code	Fee Description
100	200	63	Surcharge - late filing fee or with
107	207	25	Surcharge - late provisional filing fee or cover sheet
109	209	120	Non-English specification
147	247	2,630	For filing a request for reconsideration
112	212	637	Requesting publication of SPI prior to Examiner action
113	213	1,847	Requesting publication of SPI after Examiner action
115	215	55	Extension for reply within first month
116	216	200	Extension for reply within second month
117	217	450	Extension for reply within third month
118	218	750	Extension for reply within fourth month
128	228	980	Extension for reply within fifth month
119	219	160	Notice of Appeal
120	220	160	Filing a brief in support of an appeal
121	221	140	Request for oral hearing
138	238	1,610	Petition to institute a public use proceeding
140	240	85	Petition to reduce - unavailability
141	241	840	Petition to reduce - unavailability
142	242	640	USPTO issue fee (for reduction)
143	243	230	Design issue fee
144	244	310	Plant issue fee
122	222	130	Petitions to the Commissioner
123	223	50	Processing fee under 37 CFR 1.17(c)
125	225	125	Submission of Informational Disclosure Sheet
131	231	40	Recording each patent application per property (times number of properties)
149	249	370	Filing a continuation after final rejection (37 CFR § 1.129(a))
148	248	349	For each additional invention to be examined (37 CFR § 1.129(b))
178	278	370	Request for Continued Examination (RCE)
189	289	920	Request for expedited examination of a design application

Other fee (specify): Filing a Trademark Declaration

110

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 110

SUBMITTED BY		Complete if applicable	
Name (Print/Print)	Mich O. Keller	Registration No. Attorney/Agent	31,525
Signature	<i>Mich O. Keller</i>	Telephone	(202) 235-1304
		Date	April 24, 2002

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